

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA

August 26, 2009, 7:00 p.m.

Call to Order and Roll Call:

Vice Mayor Donnetta Skinner called the meeting of the City Council to order at 7:00 p.m.

1. Council Members Present: Vice Mayor Donnetta Skinner
Councilperson Lee Griswold
Councilperson Lincoln Litchfield
Councilperson David Trujillo
Absent: Mayor Cliff Eklund
2. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson
3. Public Present: Tiffany Blunt, Jim Miller, Donna Johnson, Sheri Eklund Brown, Karla Jones, W.D. Jones

Pledge of Allegiance

I. Discussion and possible approval of a proposal to waive the required installation of curb, gutter and sidewalk at 523 Camp Street, Carlin, Nevada, which is currently for sale, on condition that the buyer of the property remove the existing fence to meet required setbacks and any other applicable City Code requirements, and all matters related thereto. (Action Item)

1. City Manager Glenn Trust stated he wanted to turn the item over to Sheri Eklund Brown to comment because she knows the history and commented on the fence, which does not meet the City's setback.
2. Sheri Eklund Brown reported as the sellers' agent the history is that almost all of the sidewalk in, so there is no way to put the sidewalk in. "The City has been negligent under the former City Manager in following up on the requirement and he also changed the requirement. The sidewalk is done, except for about 10-yard section where the tree and fence is at this point. It is our agreement with the buyers, they have agreed to move the fence if necessary to satisfy the City's requirements, but they want the sellers to deal with any requirements for the curb, gutter and sidewalk. There is a problem with putting the sidewalk in completely, even if the fence was gone, because there is a tree that would have to be moved".
3. Councilperson Lincoln Litchfield stated there is a home on Hamilton that has a tree on the curb. "When they put the sidewalk in, they had to go around the tree without removing the tree".
4. Sheri Eklund Brown explained, "This would have to go back into the property as the right of way of the City".
5. Councilperson Lincoln Litchfield stated the Planning Commission discussed the property.
6. Sheri Eklund Brown stated there has been negligence by the City and time lapse in contacting them.
7. Vice Mayor Donnetta Skinner stated the tree should be removed.
8. Sheri Eklund Brown stated that the tree was grandfathered in, before the City had the requirements.
9. City Manager Glenn Trust stated he did not think the tree would be grandfathered in, the code does not address this. He also stated that there was not negligence but there was shared responsibility on everyone's part and there has not been any follow-up on this and this why the

problem exists as is. The City has an obligation as far as permitting and inspection process to make sure things were done and clearly this has gone for years and the City did not do that. The Millers also had a responsibility to fulfill the requirements of the permit they were issued. I will say the Public Works Director is not in favor of a waiver. My personal opinion is that since there is shared responsibility and the fence is being moved back to the setbacks this is a good compromise”.

10. Councilperson Lincoln Litchfield inquired if the building permit was ever signed off.
11. Discussion was held on moving the fence.
12. Councilperson David Trujillo stated, “I know Jim Miller came before the council 4-5 months ago. There should never have been a variance to put a doublewide on there; the way that lot is situated. The code states pretty simply what the setbacks are, especially for a corner lot. I am on a corner opposite you and I had to put my house way back to meet City code, and I also had to put curb and gutter in. I don’t understand why we are getting the buyers involved. They have nothing to do with this”.
13. Sheri Eklund Brown stated, “They are willing to move the fence”.
14. Councilperson David Trujillo stated, “I don’t want to hear anything what the buyers want. This is between the City and Jim Miller and it has gone long enough as far as I’m concerned. I can go back to 2002 and see that they gave him variances. He was supposed to do something and he has not done it. Going through these letters, they date about every 2 years it comes up and he comes before the Council and says he couldn’t do it because of something, that’s fine. That is old history. What the City Council did in prior years, we are living with it now. The hens have come to roost and we have to deal with this. Unfortunate for us, but as far as I am concerned, he had an obligation to meet when they gave him the variance to put that doublewide in and that obligation needs to be met. We have, in our code, the option of hiring a contractor to go in there and put the curb, gutter, tear out the tree and then bill the homeowner. It’s in there. They have never done that”.
15. Jim Miller stated, “I agree with that, it’s great, but the damn fire hydrant is in the middle of the sidewalk”.
16. Councilperson David Trujillo stated, “Whatever needs to be done, if it is the curb work, we need to do it”.
17. Vice Mayor Donnetta Skinner inquired about the hydrant in the sidewalk.
18. Councilperson David Trujillo stated, “That is what I am saying, the Council saw this at the time and voted to give this variance to put the doublewide on that lot. Now, I do not understand why he is coming back and saying well we are not going to accommodate him. Well they accommodated him when they put it in. Yes, we have something, we are involved in this, the Council and it is unfortunate because we are not part of the whole mess”.
19. Karla Jones stated, “Fire hydrants have to be put at certain locations and have to be so many feet away from certain areas. It is not in the middle of the sidewalk, they are all in the middle of the sidewalk. It depends on how wide your street is, so you go off the street settings and none of our streets are the same width. That is the same way with our sidewalks. Everything was measured from the center of the street, depending on the width of the sidewalk. You can never say variances are based on certain footage, because you have to have that property zoned or parceled out and surveyed and then they go off the center of the street. That is why we always have to get Tom Ballew involved, because no street matches and that’s why the hydrant is so close on that street because it is a corner lot”.
20. Councilperson David Trujillo stated, “Case in point, my house, I was required to put curb and gutter when I built 12 years ago. Tom Ballew came in and surveyed the lines and showed me where the lines should go and you can look at my lines where the curb and gutter are and look up the block and they are offset 3 feet. You are exactly right. I’m sure Mr. Miller’s dilemma has been before the Planning Commission numerous times”.
21. Karla Jones stated, “It has, but we didn’t have a variance”.
22. Sheri Eklund Brown stated, “The curb and gutter are incomplete, it is just a section that is not,

- located where the tree and fence is.
23. Discussion was held on the length and site.
 24. Sheri Eklund Brown stated, "The place across the alley has an iron fence all the way to the curb and they don't have a sidewalk. Look around town, there are all kinds of..."
 25. Vice Mayor Donnetta Skinner stated they don't want that any more.
 26. Councilperson David Trujillo stated, "That's why we are getting a brand new code that has been 10 years in the making, to try to alleviate these things. I have a list in here of six (6) property owners in Carlin from 2003, the same year Jim Miller put his doublewide in that were supposed to be curb and guttered and I went around today to all six (6) of them and none of them have curb and gutter. I don't understand why. If we have the teeth in our code to hire a contractor to come in and do the work and bill the homeowner, I think that is what we are going to have to start doing. It has to stop somewhere. Unfortunately it is going to begin with Jim Miller".
 27. Jim Miller stated he could put the sidewalk initially back, "but you have to pull out the original deal on this when we signed it, there is no mention of curb and gutter, it is just sidewalk. Your last manager is the one who put the wording in for the curb and gutter and I had to fight over that. I already have curb and gutter and you just want a brand new one, that's not fair to throw something in there that was not in the original paperwork. The only reason I didn't pour the 30 feet of sidewalk was because the tree was there and I couldn't afford the \$2500 to move that tree. I already had a guy come look at it. Just to cut it down was \$2500 and that isn't pulling it out of the ground. Then what do I do to the street when I pull it out".
 28. Councilperson David Trujillo stated, "All of the decisions were made before this, well some of us on the board were put here".
 29. Jim Miller stated, "I have no problem going out pouring the 30 foot and moving the fence. I have no problem with that. It does not make sense to me when I put the handicapped corner in, which was never in the original paperwork, I did that for you guys".
 30. Councilperson David Trujillo stated, "That is where it is in the city code, when you put in curb and gutter, there are certain specifications. I did the same thing 12 years ago at my place. I had to put in the handicapped at the corner and I had to put my curb and gutter all the way to the end of my property and all the way to end of my property going the other way. I have five (5) lots and I built on three (3). Why do I as a citizen of Carlin, before I was on the Council, I am obligated to do that when I get my building permit and he gives me occupancy permit, I have to do that. These other six (6) people that are on it, they should have done it too. Why did I have to do it and you aren't having to do it".
 31. Vice Mayor Donnetta Skinner inquired about taking the fence out and moving it back.
 32. Councilperson Lincoln Litchfield stated, "Four (4) feet off that curb or to the back of the sidewalk".
 33. City Manager Glenn Trust stated, "Whether it's okay or not is not my decision, it is yours decision. All I am suggesting is that we need a solution to move forward. One of the problems that the City Engineer has is he is operating under a direction that he has in the file going back to the 1990s".
 34. Discussion was held on the new code.
 35. City Manager Glenn Trust stated, "I guess my only point here is that I think there is some shared responsibility here, I agree with you that Mr. Miller had responsibility in terms of the permit. We have some responsibility and I don't know the history here. I think we can resolve part of the problem; it is not going to make that problem go away".
 36. Vice Mayor Donnetta Skinner stated the tree should be taken out.
 37. Councilperson Lincoln Litchfield stated he agrees, but also agrees that the sidewalk on Hamilton does encroach on this person's property. When he poured his sidewalk, he poured into his property in a straight line so he didn't have to take the tree out. If you pull the tree out, it is going to damage the road, a lot more than it is going to cost to put the sidewalk in. That is going to be the City's responsibility, because he cannot help where the roots go".

38. Councilperson Lee Griswold stated, "Could we leave the tree and form the sidewalk.
39. Councilperson Lincoln Litchfield stated, "If Jim is going on record that he will put a sidewalk in there around the tree, obviously it is going to go into your property a little bit, but it is a solution to the problem. The fence could be moved back four (4) feet then".
40. Jim Miller stated, "I don't agree with it, but it can be done".
41. Councilperson David Trujillo stated, "I don't agree with it either, but..."
42. Jim Miller stated, "It is inconvenient for me to pour a sidewalk on my property, encroaching on my property, but you guys don't have the guts to move the fire hydrant out of the way, because it costs \$15,000 to move. But it is convenient for the Millers to pour a sidewalk".
43. City Manager Glenn Trust stated, "It has to be by code".
44. Vice Mayor Donnetta Skinner stated the fire hydrant is where it is supposed to be.
45. Councilperson Lee Griswold stated he agrees with Carlos Esparza, Director of Public Works idea to work around the tree.
46. Councilperson David Trujillo stated, "If he moves the fence and pours a sidewalk around the tree, we can resolve this tonight and he can sell his property and be done with it. We will all be happy campers".
47. Vice Mayor Donnetta Skinner inquired about the buyers.
48. Sheri Eklund Brown stated they were willing to move the fence on their own, "they just didn't want to accept the curb, gutter and sidewalk requirements, wanted the seller to resolve that with the City".
49. City Manager Glenn Trust stated, "What we should remember is this is just a waiver request for curb gutter and sidewalk, trying not to complicate this matter. The other issue is pouring around the tree and if that is acceptable to the board then it should be part of the motion.
50. Councilperson David Trujillo stated. "If that is what we have to do to resolve this tonight, I'll vote for that. It is unfortunate, but we are in here trying to clean up past council's indiscretions, as far as I am concerned".
51. Councilperson Lincoln Litchfield stated, "When I was sitting on the Planning Commission and knowing the heart of those people and the amount of work they put into, I think it would be detrimental to what they tried to accomplish to go against not putting curb, gutter or sidewalk in there. They worked long and hard to get it so our code is concise throughout the City and I think we need to abide by it".
52. Councilperson David Trujillo stated, "I think we all want to do that, but if we get the fence moved to where it is supposed to be and he completes the sidewalk, I am thinking that is as good as we are going to be able to do. I think we all realize that is not towing the line and not following the code to the letter of the law in this particular instance, that is probably as good as we are going to get".
53. Karla Jones stated, "I agree that curb, gutter and sidewalk is important within the City. I don't agree and have not agreed with the fence issue, but having said that, at one point, I kind of remember something where there was curb, gutter and/or sidewalk in our code. I am not sure how long ago we had the variance put in. If you are required to put sidewalk all the way in, and just have curb and gutter, I believe that Ronnie Waddell has just curb and gutter and no sidewalk in hers.
54. David Jones stated she has sidewalk.
55. Karla Jones stated, "I'm saying they didn't have to do a sidewalk and that may be something we need to look at. I don't agree and I have not agreed even when they brought forward the fence. The fence should have been gone a long time ago, but I know we are working toward having the whole city do curb, gutter and sidewalk".
56. **Councilperson Lincoln Litchfield moved to deny the waiver for sidewalk at 523 Camp Street, Carlin, Nevada, and to install it up and around the back of the tree to comply with code and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

II. Review, discussion and possible approval of an easement to extend the power line on the land leased from the City of Carlin by the Nevada Department of Prisons, Carlin Conservation Camp and described as follows:

A strip of land 25 feet in width within Sections 34 & 24, Township 33 North, Range 52 East, MDBM, 124 Suzie Creek Road, Carlin, NV lying 12 ½ feet on each side of the existing 14.4 KV power line as presently constructed by Wells Rural Electric and approved by the Grantor(s)

(Action Item)

1. City Manager Glenn Trust explained the honor camp wants to extend the power line.
2. **Councilperson Lincoln Litchfield moved for approval of an easement to extend the power line on the land leased from the City of Carlin by the Nevada Department of Prisons, Carlin Conservation Camp and described as follows:**

A strip of land 25 feet in width within Sections 34 & 24, Township 33 North, Range 52 East, MDBM, 124 Suzie Creek Road, Carlin, NV lying 12 ½ feet on each side of the existing 14.4 KV power line as presently constructed by Wells Rural Electric and approved by the Grantor(s). Councilperson David Trujillo seconded the motion. The motion carried.

III. Review, discussion and possible approval of the second reading of an ordinance, Number 231, increasing the Corporate limits of the City of Carlin pursuant to NRS 269.670 by annexing two tracts of land not currently embraced within the present City Limits, and described as follows:

Parcel 1 – All that portion of Section 19, Township 33 North, Range 53 East, M.D.B.&M. lying north of the northerly right-of-way line of Interstate Route 80,

Parcel 2 – All that portion of the SE ¼ of the SE ¼ of Section 24, Township 33 North, Range 52 East, M.D.B.&M. lying north of the northerly right-of-way line of Interstate Route 80,

and all matters related thereto.

(Action Item)

1. **Councilperson Lee Griswold moved for approval of the second reading of an ordinance, Number 231, increasing the Corporate limits of the City of Carlin pursuant to NRS 269.670 by annexing two tracts of land not currently embraced within the present City Limits, and described as follows:**

Parcel 1 – All that portion of Section 19, Township 33 North, Range 53 East, M.D.B.&M. lying north of the northerly right-of-way line of Interstate Route 80,

Parcel 2 – All that portion of the SE ¼ of the SE ¼ of Section 24, Township 33 North, Range 52 East, M.D.B.&M. lying north of the northerly right-of-way line of Interstate Route 80, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.

IV. Review, discussion and possible approval of the second reading of an ordinance, Number 232, increasing the Corporate limits of the City of Carlin pursuant to NRS 269.670 by annexing two tracts of land not currently embraced within the present City Limits, and described as follows:

Parcel 1 owned by Newmont USA Limited– That portion of the Newmont USA Limited Property (within Section 19) as shown on the record of Survey of Sec. 20 and a Portion of Sec. 19, T.33N., R.53E., MDM filed in the office of the Elko County Recorder, Elko, Nevada, at file number 383431.

Parcel 2 owned by Elko Land and Livestock Co.– A portion of N2, N2 lying North of the Northerly right-of-way line of US-40 and South of the Southerly right-of-way line of Interstate Route 80, consisting of 17.61 acres more or less,

and all matters related thereto.

(Action Item)

1. **Councilperson Lincoln Litchfield moved for approval of the second reading of an ordinance, Number 232, increasing the Corporate limits of the City of Carlin pursuant to NRS 269.670 by annexing two tracts of land not currently embraced within the present City Limits as previously read. Councilperson David Trujillo seconded the motion. The motion carried.**

V. Discussion and possible approval of a recommendation by the Planning Commission to include a requirement in the revised Title 3 of the City Code to have the Planning Commission review and hear all variance requests and then make a recommendation to the City Council prior to the Council making a decision on the variance request, and all matters related thereto. (Action Item)

1. David Jones, Planning Commission Chairperson, explained, “We are asking for some direction as far as where you want us to go as a Council. The new ordinances will be coming to you shortly and there is a ‘mess’ of them and hopefully, it takes care of some of this that you have had tonight so that nobody has to incur this, because it is not pleasant on either side of the fence. People in the past have felt that they need to go to the Planning Board for recommendation and then it needs to come to the City Council and you review the Planning Board’s recommendation and then either agree or deny that. Really, the way the new code is envisioned, a point of clarification that we need, is when something comes before us, whatever it may entail, it goes to the Planning Board, they make a decision and that is it. It’s done. If they agree, they do their thing. If they disagree, there is an appeal process to you as an appeal board to the Planning Board’s decision and then if they disagree with it, they can take it further into a court of law. Right now, there is no appeal process for them. I am asking for your insight as to how you want to set this up. I personally like it when everything comes to you and nothing comes to us, but I don’t know if you like it. I don’t know if it is really necessary for people to go through 3-4 things of the exactly same thing. I don’t know if that is necessary and I don’t know what authority you want to grant us as the Planning Board. When we started doing the codes 8 years ago over and over and what has delayed that a lot is that a new member will come on, be very enthusiastic for a little while and want to go back to the first of it. They are there for two-thirds of it and then they are gone. We get to the end of it and a new member wants to go to the first of it and work all the way through. We have started this 5-6 times. The other thing that has delayed it twice is that we have presented it to the Council and they rejected it and turned it back to us. I don’t know why. We are asking what process do you want this to take. My next question is what are you going to put in place for an appeal process.
2. Vice Mayor Donnetta Skinner stated she did not want it to come to the Council.
3. Councilperson David Trujillo inquired if the Planning Board wants the responsibility.
4. David Jones stated, “We have it anyway”.
5. Councilperson David Trujillo stated, “We are elected and you aren’t. If they don’t like it they can take it out on you”.
6. David Jones stated, “They can appeal it”.

7. Vice Mayor Donnetta Skinner if they don't agree, they can come to us. "I thin it is useless for you to make the decision and bring it to us, because we usually do what you recommend".
8. Councilperson Lincoln Litchfield stated, "I have not seen where the Planning Board has made a recommendation to go ahead and do it and this council has rejected that decision. I agree with Councilperson David Trujillo that we need to have an appeal process if they say no, then that individual can come before us and present their case. We would have to make a decision then".
9. David Jones stated they would like a decision prior to doing the code so they don't have to come back.
10. Councilperson Lee Griswold stated, "I have another idea that might work. I think if the Planning Board makes a positive decision, let it go. If they deny it for any reason, then it comes before the Council. Because we are elected, it is part of our duties and over the years, we are fortunate to have a good Planning Board, because I can remember a time we didn't have. The Planning Board takes action, if it positive, that is the end of it. If it is negative it comes to the Council for review and action".
11. Vice Mayor Donnetta Skinner stated, "What if the person agrees to it after the Commission, it wouldn't have to come to us".
12. City Clerk LaDawn Lawson stated if it was denied it would automatically be placed on the agenda.
13. David Jones stated if it was resolved in that two (2) week window, "all you would have to say is that this is resolved".
14. Karla Jones stated they had that instance a month ago when a lady wanted a special use permit to put a trailer and a variance and we denied it. She pulled the request before the Council meeting.
15. Councilperson David Trujillo stated she realized that there was no support on the board.
16. Councilperson Lee Griswold stated it gives them the opportunity.
17. City Manager Glenn Trust inquired. "What if you approve it and it is an issue that the Council might not approve".
18. David Jones stated there is communication, liaisons.
19. Councilperson David Trujillo stated if the Planning Board adheres to the code as written, there will be no problem.
20. David Jones stated, "I don't think that is fair to put that kind of heat on either of the boards. Some of the issues that are underlying right now happened 50 years ago. Some of the recommendations that the Planning Board have done have been overridden by some people".
21. Councilperson David Trujillo stated they are trying now to send a message to the citizens that we are not going to do this anymore.
22. Vice Mayor Donnetta Skinner stated, "I think that will help. If they go to you, you follow the requirements, then they should not come to us".
23. David Jones stated they are trying to change things so that can happen.
24. Vice Mayor Donnetta Skinner stated it is a good idea.
25. City Manager Glenn Trust stated, "First, the current code is not what we have been doing. The current code does not mention the Planning Board, only mentions the City Council. We do have it clarified. Secondly, variances are more than curb, gutter and sidewalk and if you are talking variance to the Planning Board, that has a real impact on the development and looks of the City. I think we have a great Commission, but there might be a time in the future that you might move on and I am really hesitant about completely taking the Council out. What I would suggest is that somehow there could be a very simple sentence in there that the City Council has the right to review all variances in a certain amount of time and if they so choose they can elect to put it on the next agenda. I am not comfortable about a positive decision not being reviewed. I would feel differently if the Commission was an elected board".
26. Discussion was held on the pros and cons.

27. David Jones stated he does not want to do the homework for everyone “so they can rubber stamp it. I don’t want to do all the work and that has been done in the past”.
28. City Manager Glenn Trust stated the record of decisions at a Planning Board should be submitted to the Council and if they choose within a certain timeframe to revisit it, they can.
29. Discussion is held on the rules and the current procedure.
30. David Jones stated it is not just variances, special use permits, waivers, conditional uses; it is all of it.
31. Vice Mayor Donnetta Skinner stated for people to do two (2) steps to get things done is ludicrous.
32. Councilperson David Trujillo stated the code would be the line drawn in the sand.
33. Discussion was held on the process they want to adopt and the reasons why special uses don’t come before the Planning Commission.
34. Discussion was held on the past boards and some are efficient and some are lazy.
35. City Clerk LaDawn Lawson stated she liked the idea that if it is denied, it comes to the Council, giving them 60 days after approval to be shown to the Council which would inform the Council.
36. Sheri Eklund Brown stated it only comes to the County Commission as an appeal or things that the Planning Commission does not have power to make the decision.
37. Discussion was held on the minutes being available to the Council.
38. City Manager Glenn Trust stated, “I can foresee a situation that we have a different Planning Commission that are partial to certain people and do not act in the best interest of the City”.
39. David Jones stated that same situation could occur with the Council members.
40. Councilperson Lincoln Litchfield inquired if a unanimous vote would seal the deal, but it there was one no vote, it would come to the Council.
41. Discussion was held on the process used in the County.
42. Sheri Eklund Brown says they do not see 90% of the decisions, they see only the appeals. She stated City Manager Glenn Trust could research this.
43. David Jones stated there are probably some legalities that need to be followed. “Just for matter of record, those same things happen on the council all the time - well, I’m a friend and I’m going to grant them lenience”.
44. City Manager Glenn Trust agreed.
45. David Jones stated, “All the time I have been on the Commission, it is backed up by a code. I will always request that”.
46. City Manager Glenn Trust stated all he wants is that the code is written for future chairmen.
47. Councilperson Lincoln Litchfield stated they need to have someone research the legalities.
48. David Jones stated there are NRS and NAC and they will play a part.
49. Discussion was held on the codes are written and then revised.
50. Councilperson Lee Griswold stated this is the first time the Code has been rewritten and it is a good thing.
51. Discussion was held on the process in other communities and the fact there is not a lot of flexibility to the codes.
52. David Jones stated this discussion started with the State Planner who outlined the process, so he thinks there is some validity to it in NRS and NAC. “It needs to be done right and follow the planning laws of the state”.
53. Vice Mayor Donnetta Skinner stated she would like City Manager Glenn Trust research this.
54. Discussion was held on the fact that a variance is a violation of the code.
55. **Councilperson David Trujillo moved to table recommendation by the Planning Commission until some research is obtained to include a requirement in the revised Title 3 of the City Code to have the Planning Commission review and hear all variance requests and then make a recommendation to the City Council prior to the Council making a decision on the variance request, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

VI. Discussion and possible approval of a proposal that clarifies the intent of the City Council in that all improvements to property regardless of structure type and all permits issued for improvements, regardless of type, require the installation of curb, gutter and sidewalk in accordance with City Code Title 3, Chapter 13, and all matters related thereto.

(Action Item)

1. Councilperson Lincoln Litchfield reported he talked to the City Engineer about the lack of curb, gutter and sidewalk. The code says it “may” waive. He is opposed to any waiver of curb, gutter and sidewalk no matter how much the improvement cost.
2. David Jones stated this is not a cut and dry issue.
3. Councilperson Lincoln Litchfield stated this would apply to city land. He noted this issue is due to three (3) pieces of land that were granted a waiver on the curb, gutter and sidewalk.
4. City Manager Glenn Trust stated he has a paper provided by the City Engineer that has a list of things that have been allowed since 1990s from previous Councils that he uses as a guide. “I said that is not what we want to do, we want to enforce the code and he said that was not the directions he has received. I want to know the mind and will of the Council on any issue of waivers, compliance with setbacks, any of those issues are part of the permitting processes and around the city where differences exist from what the code says, versus what has been accepted in the permitting process. With the understanding of how the Council wants to proceed, I will make sure the City Engineer is advised”.
5. Councilperson Lincoln Litchfield stated they should abide by the setbacks in the code, “period”.
6. Vice Mayor Donnetta Skinner stated, “I don’t think we should be using 30-year –old codes. I think the Engineer should know the codes”.
7. City Manager Glenn Trust stated, “He does know that, but he used what he was directed to use. I am not excusing it and I told him that it would be on the agenda tonight. That is what he feels direction from previous councils and previous administration has been. I am asking clarification from this Council and we will make sure we will comply”.
8. Councilperson David Trujillo stated, “The City Engineer is interpreting the code in such a way that it does not reflect the intent of the code, is that correct”.
9. City Manager Glenn Trust explained, “When I queried him about the trailer and the question that came up in the Council was why there wasn’t curb, gutter and sidewalk. Great question, because the code clearly says ‘any improvement to property must include installation of curb, gutter and sidewalk, unless a waiver is obtained from the City Council or City Engineer. He has been automatically granting waivers on those issues, not based on anything other than he feels the direction previously from Council on single wide trailers, on electrical, foundations were not required. I want the Council’s concurrence”.
10. Councilperson Lincoln Litchfield stated “I believe the way you are writing the new code, it would required any improvement unless the Council grants a waiver. That is the way we are going”.
11. Vice Mayor Donnetta Skinner stated she would like the wording deleted that says approved by the Engineer. “I think it should come before the Council”.
12. Councilperson Lincoln Litchfield stated the new code does not say anything about the engineer.
13. Discussion was held on the property across the highway.
14. Vice Mayor Donnetta Skinner stated in order to make it uniform, they have to stick to the rules. “You cannot change the rules if you don’t want to adhere to them”.
15. Councilperson David Trujillo stated, “He had a call from Howard Wright who asked about this and he brought up a valid point, wonder if somebody who has never had curb and gutter before their house before, put up a fence because they have a puppy. If they put a \$300 fence up, they have to put curb and gutter in. I guess he would have to come and get a waiver for that”.

16. David Jones stated no one shows up until you put it into effect and they don't like it. He says it is difficult because he sees both sides. "If Tom Ballew was directed by a previous Council and he has not been redirected since that time, he has done right, whether you agree with it or not. He has done what he was asked to do until someone changes that, you cannot blame him for that".
17. Councilperson Lincoln Litchfield stated, "I think part of this is the improvements that require a building permit".
18. City Manager Glenn Trust stated the code doesn't say anything about permits.
19. Discussion was held on permits.
20. Councilperson Lee Griswold stated they need to specify.
21. Sheri Eklund Brown stated there has to be a definition of improvement or they set themselves up for liability.
22. Councilperson David Trujillo inquired if there is some way to redirect Mr. Ballew.
23. City Manager Glenn Trust stated the direction would be at the will of the Council. He stated the trailer that has everyone upset is not the direction the city wants to go in. "David is exactly right. Tom Ballew is willing to do whatever the Council wants".
24. Karla Jones stated, "The code you are reading right now is the current code. We have already done the code for curb, gutter and sidewalk that takes out the dollar amount. It would be a simple fix just to add, instead of the dollar amount, as permitted improvements. You need to direct the Engineer, because you cannot change the current code right now, advising the city manager how the council wants this to go. If there is something you don't like in the code, you have the final say to change the wording".
25. David Jones stated, "Give us the verbage you want and we will put in the wording, because this is probably 40% of the bickering that goes on.
26. **Councilperson David Trujillo moved for approval of a proposal that clarifies the intent of the City Council in that all improvements to property regardless of structure type and all permits issued for improvements, regardless of type, require the installation of curb, gutter and sidewalk in accordance with the present City Code Title 3, Chapter 13, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

- VII. Review discussion and possible approval of City Council Meeting Minutes for Regular Meeting of the Carlin City Council on 7/22/09, and all matters related thereto. (Action Item)**
1. **Councilperson Lincoln Litchfield moved for approval of City Council Meeting Minutes for Regular Meeting of the Carlin City Council on 7/22/09, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

- VIII. Review, discussion and possible approval of payments for the period 8/13/09 to 8/26/09, and all matters related thereto. (Action Item)**
1. **Councilperson Lee Griswold moved for approval of payments for the period 8/13/09 to 8/26/09, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried with Councilperson Lincoln Litchfield abstaining from One-Stop Auto Parts.**

IX. City Council Members Report. (Non-Action Item)

1. Councilperson David Trujillo reported he Public Works has a lot of work on Chestnut and the reservoir. "Everywhere I look, the crews are stretched pretty thin, so kudos to them".
2. Councilperson Lincoln Litchfield reported he worked on some rules for the Community Garden and this has been given to Administration to be placed on the agenda. He noted they need to review the City's Master Plan and would like a copy of it prior for review.
3. Councilperson Lee Griswold had no report.
4. Vice Mayor Donnetta Skinner reported the car show went well and the comments are they

would like a two-day event. There were good vendors this year. She reported on the softball tournament, cemetery and Equestrian Park with barns put up and barrel racing and Chili Cook-Off are both coming in September.

X. City Clerk's Report. (Non-Action Item)

1. City Clerk LaDawn Lawson had no report

XI. City Manager's Report (Non-Action Item)

1. City Manager Glenn Trust reported the first month of the year is in and the budget is in line. He reported they have received a grant to install sidewalk on 10th Street.

XII. Comments by the General Public: Pursuant to NRS 241.020(2C) this time is devoted to comments by the general public and discussion to those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda and identified as an action item. (Non-Action Item)

1. Karla Jones stated the Fire Department received a grant last year for recruitment and retention of firefighters. The total of the grant is over \$86,000.

XIII. Adjournment. (Action Item)

The meeting was adjourned at 8:40 p.m.

APPROVED:

DONNETTA SKINNER, VICE MAYOR

ATTEST:

LADAWN LAWSON, CITY CLERK